



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,161	11/17/2003	Olof Schybergson	042933/269783	4102
826	7590	10/05/2009		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER LIEW, ALEX KOK SOON	
			ART UNIT	PAPER NUMBER
			2624	
			MAIL DATE	DELIVERY MODE
			10/05/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,161

Applicant(s)

SCHYBERGSON ET AL.

Examiner

ALEX LIEW

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 18-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 9/23/04, 8/15/05, 3/30/08, 9/16/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. This office action is in response to the reply sent on 1/29/09 to the Election of Species. The applicant elected Species I, which corresponds to claims 1-17.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 8 and 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Parker (US pat no 6,996,782).

With regards to claim 1, Parker discloses an application for providing access to media files on a digital device, the application comprising a computer readable storage medium having computer-readable program instructions embodied in the medium (see figure 1), the computer-readable program instructions comprising:

first instructions for generating a media view that segments time into time units (see figure 3A, 100); and

second instructions for generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view (figure 2

shows the topographic view, figure 3A, 100, identifies the number of digital multimedia objects in the database associated with each date).

With regards to claim 2, Parker discloses wherein the second instructions for generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view further defines media file quantity as the number of media files (see figure 3A, 100).

With regards to claim 3, Parker reads on wherein the second instructions for generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view further defines media file quantity as the storage volume of media files (see figure 3A, 100, the histogram shows the volume media count for corresponding month).

With regards to claim 8, Parker discloses the time units are months and years (see figure 2).

With regards to claim 11, Parker discloses the second instructions for generating a topographic view further includes instructions for generating a zoom mechanism that provides for a detailed graphical representation of media files (see figure 6E is a zoomed from figure 6D).

With regards to claim 12, Parker discloses the second instructions for generating a zoom mechanism further provides for the zoom mechanism that provides for a detailed graphical representation of media files and the ability to access the media files via the detailed graphical representation (the plot in figure 6E is more detailed than the plot in figure 6D).

With regards to claim 13, Parker reads on generating a topographic view further includes instruction for generating a focus mechanism that provides for the media files to be previewed (see figure 6B).

With regards to claim 14, Parker reads on generating lenses for identifying areas within the topographic view that include results of a search of the media files (see figure 6B, when a section of the timeline is selected, system will search for images selected in the timeline and displays them).

With regards to claim 15, Parker reads on generating highlighted areas within the topographic view that identifies areas of user interest (see figure 6B, the mouse cursor points at late 1999 to open files).

With regards to claims 16 and 17, see the rationale for claim 1. In addition, Parker also discloses a display device for displaying time bar and topographic view (see figure 6B).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker '782 as applied to claim 1 further in view of Chao (US pat no 5,732,184).

With regards to claim 4, Parker discloses all the limitations of claim 1, but does not disclose the second instructions for generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view and graphically distinguishes between media files of a chosen media file characteristic. Chao discloses the second instructions for generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view and graphically distinguishes between media files of a chosen media file characteristic (see figure 3, the files are identified as either an avi file or audio file). One skilled in the art would include such feature because the image and audio can be separately corrected if there are defects within those files, to improve media quality.

With regards to claim 5, Chao discloses the second instructions for generating a topographic view that graphically distinguishes between media files of a chosen media

file characteristic and the chosen media file characteristic is media file type (see figure 3).

With regards to claim 6, Chao reads on the second instructions for generating a topographic view that graphically distinguishes between media files of a chosen media file characteristic and the chosen media characteristic is defined in media file metadata (see figure 4A, the name of the file is the metadata, 'flowers.avi.' the name of the file itself is the description of the image, 56).

With regards to claim 7, Chao reads on the second instructions for generating a topographic view that graphically distinguishes between media files of a chosen media file characteristic further comprises a media file characteristic chosen from the group consisting of media file size, event related to the media file, media file author, media file title and media file keyword (see column 4, lines 55-59).

With regards to claim 9, Parker discloses all the limitations of claim 1, but does not disclose generating a baseline representation for dividing the graphical representations into more than one portion of the topographic view. Chao discloses second instructions for generating a topographic view further includes generating a baseline representation for dividing the graphical representations into more than one portion of the topographic view (figure 3, video and audio are divided into different rows). One skilled in the art would include such feature because allow user to view the image and audio file

separately so correction can easily be made if there is need, improving the quality of the media files.

With regards to claim 10, Chao discloses the second instructions for generating a topographic view that includes generating a baseline representation further includes generating a baseline representation that provides for dividing the graphical representations into more than one portion of the topographic view based on a chosen distinguishing media file characteristic (see figure 3, video and audio are divided into different rows).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX LIEW whose telephone number is (571)272-8623 or cell (917)763-1192. The examiner can be reached anytime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bhavesh M Mehta/
Supervisory Patent Examiner, Art Unit 2624

/Alex Liew/
AU2624
9/30/09